Remarks

The following is a response to the Office Action dated January 18, 2007.

Per the above amendment, claims 17 and 25 have been cancelled, per required by the examiner.

In response to the claim objection, even though disagreeing with the examiner, in order to expedite the prosecution of this case, each of independent claims 10, 18 and 27 have been amended to now recite "a housing for protecting said needle" instead of "a needle protection housing". Now that "a housing" has been recited, it is believed that the antecedent basis noted has been overcome.

In response to the 35 U.S.C. 112 rejection, claims 29-31 each have been amended to replace "rib" with "fin", per suggested by the examiner.

No other amendments, other than those required by the examiner to overcome formal matters, have been effected to the claims.

Claims 10, 12, 13, 16, 18, 20, 21 and 26-31 have been rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. (US 7,029,461). According to the examiner, Ferguson discloses "an annular space between the needle hub and the distal end", referencing an enlarged view of Fig. 2 of Ferguson.

Applicants respectfully submit that the examiner has erroneously construed Ferguson and in particular Fig. 2 thereof. For Ferguson shows nothing but a conventional pre-filled syringe 11 having fitted to its luer end 38 the needle hub 50 of cannula 15. The so called "annular space" construed by the examiner in fact is the internal thread for luer end 38 of syringe 11, which is referred to as the luer lock collar in Ferguson. The needle hub 50 in turn, as can be seen in Fig. 2, and the being attached Appendixes, has a circular

extension at its lower portion that threads into the internal thread of luer 38. Thus, needle hub 50 is not a portion of syringe 11, and more importantly there is no annular space provided between needle hub 50 and the luer end 38 of syringe 11.

That needle hub 50 and the luer end of the syringe are separate components is evidenced by the different cross hatchings for needle hub 50 and the syringe including its luer end 38 and its male end that mates into needle hub 50, as needle hub 50 is threaded into luer end 38. To further enable the examiner to understand that syringe 11 and needle hub 50 are nothing other than conventional components, the attached Appendix A shows the of interest enlarged portion of Fig. 2, with the syringe including its luer highlighted in yellow, and the needle hub 50 highlighted in orange. But given that it is the understanding of the undersigned that Amendments submitted are first scanned before review by examiners, and therefore there is the possibility that the highlighted colors yellow and orange will not show up in the scanned Appendix A, also attached is Appendix B that shows in isolation the needle hub 50 and the syringe 11, prior to needle hub 50 having been threadedly mated to luer end 38 of syringe 11. The drawing in Appendix B is the same as the enlarged portion of Fig. 2 as shown in Appendix A, but with needle hub 50 separated from syringe 11. For the convenience of the examiner, the male end of syringe is labeled, as are the internal threads of luer 38.

With the above explanation, the examiner is respectfully directed to the many differences between Ferguson and the claimed device. To wit, comparing Ferguson with for example claim 10, it should now be clear that Ferguson does not teach any "needle hub integrally extending from said distal portion [of a unitary modus syringe]." Nor does Ferguson teach "a portion of said needle hub being circumferentially separated from said distal end by an annular space". There in fact is no annular space in the Ferguson device, insofar as needle hub 50 is threaded into luer 38, so that the leg portion of needle hub 50 actually is sandwiched by the outer portion of luer 38 (which has the internal thread) and the male end of the syringe. There is therefore no annular space disclosed in Ferguson. Neither does Ferguson teach "a collar having a housing for protecting said needle pivotally attached thereto ... by first passing said distal end". As disclosed in Ferguson, the safety shield 10 is attached to syringe 11 by a number of means, but not by fitting thereto. See

column 5, lines 27-30 which disclose that shield 10 may be attached to syringe 11 via spin welding, adhesive, other welding methods etc. Alternatively, safety shield 10 may be monolithically integrally connected etc. with the distal end of pre-filled syringe 11. For that matter, shield 10 does not pivot relative to its collar 12, inasmuch as it is "extended" from the position as shown in Fig. 2 to that shown in Fig. 6 for covering needle 15 (column 5, lines 52-54). Thus, safety shield 10 does not require, nor does it need, any slot wherethrough the needle passes when the housing is pivoted to the position for covering the needle, as required in claim 10.

In view of the above, it should be apparent that Ferguson does not come close to rendering the claimed invention obvious, let alone anticipating the claimed invention, as for example discussed with reference to claim 10 above. That being the case, the examiner is respectfully requested to reconsider the case and pass the same to issue at an early date.

In the event the examiner does decide to maintain her rejection, the examiner is respectfully requested to enter the amendment so that the informal issues relating to the claim objection and antecedent basis, all of which were required by the examiner, may be removed from issue in an appeal.

Respectfully submitted,

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